

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.  
**END9-2000-0104US1**

In Re Application Of: **R. C. Beasley et al.**

#3

Serial No.  
**09/657,215**

Filing Date  
**09/07/00**

Examiner  
**N/A**

Group Art Unit  
**2161**

Invention: **SYSTEM AND METHOD FOR CLUSTERING SERVERS FOR PERFORMANCE AND LOAD  
BALANCING**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

**Box Missing Parts**

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
**10/23/00**  
*Date*

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ Other (list):

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☒ Completion of application fees as calculated below:

☐ Utility application filing fee \_\_\_\_\_

☐ Design application filing fee \_\_\_\_\_

☐ Total number of independent claims = \_\_\_\_\_

☐ Total number of claims = \_\_\_\_\_

☐ Multiple dependent claims \_\_\_\_\_

☒ Surcharge for late payment of filing fee and/or late filing of original declaration or oath **\$130.00**

☐ Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_

☐ Fee for processing an application filed with a non-English language specification \_\_\_\_\_

☐ Fee for processing and retention of application \_\_\_\_\_

Total completion of application fees **\$130.00**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month      ☐ Two months      ☐ Three months      ☐ Four months      ☐ Five months

from: \_\_\_\_\_ until: \_\_\_\_\_  
Date Date

Total time extension fees \_\_\_\_\_

Total fees due **\$130.00**

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**N/A**

Group Art Unit  
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Invention: **SYSTEM AND METHOD FOR CLUSTERING SERVERS FOR PERFORMANCE AND LOAD  
BALANCING**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

**Box Missing Parts**

The fee of **\$130.00** is to be paid as follows:

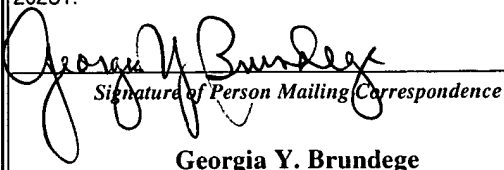
- ☐ A check in the amount of the fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **09-0457**  
A duplicate copy of this sheet is enclosed.
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.  
A duplicate copy of this sheet is enclosed.

  
Signature

**John R. Pivnichny, Reg. No: 43,001  
IBM Corporation, N50/040-4  
1701 North Street  
Endicott, NY 13760**

Dated: **12/19/00**

I certify that this document and fee is being deposited  
on **12/19/00** with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.

  
Signature of Person Mailing Correspondence  
**Georgia Y. Brundege**

Typed or Printed Name of Person Mailing Correspondence

CC:

#3 SECTORS

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**

Applicant(s): R. C. Beasley et al.

Docket No.

END9-2000-0104US1

Serial No.

09/657,215

Filing Date

09/07/00

Examiner

N/A

Group Art Unit

2161

Invention: **SYSTEM AND METHOD FOR CLUSTERING SERVERS FOR PERFORMANCE AND LOAD  
BALANCING**



I hereby certify that this Declaration, Notice to File Missing Parts and Response to Notice to File Missing Parts  
(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Assistant Commissioner for Patents, Washington, D.C. 20231 on 12/19/00  
(Date)

**Georgia Y. Brundege**

(Typed or Printed Name of Person Mailing Correspondence)

*Georgia Y. Brundege*  
(Signature of Person Mailing Correspondence)

**Note: Each paper must have its own certificate of mailing.**

#3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

R. C. Beasley et al.

Filed: 09/07/2000

Title: SYSTEM AND METHOD  
FOR CLUSTERING SERVERS FOR  
PERFORMANCE AND LOAD BALANCING :



Serial No.: 09/657,215

Group Art Unit: 2161

Examiner: N/A

IBM Corporation  
Intellectual Property Law  
Department N50/40-4  
1701 North Street  
Endicott, NY 13760

RESPONSE TO "NOTICE TO FILE MISSING PARTS OF APPLICATION"

Assistant Commissioner For Patents

Washington, D.C. 20231

Dear Sir:

In response to the "Notice To File Missing Parts of Application" received in the present patent application and dated 10/23/2000, enclosed please find a fully executed declaration.

Please charge the surcharge fee, under 37 CFR 1.16(e), of \$130.00 to our deposit account number 09-0457. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Date 12/19/00

By John R. Pivnichny  
John R. Pivnichny  
Reg. No. 43,001

Phone: (607) 755-6565

Docket No: EN920000104US1



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/657,215	09/07/2000	Robert C. Beasley	END9 2000 0104 US1

Shelley M Beckstrand  
314 Main Street  
Owego, NY 13827-1616



## FORMALITIES LETTER



\*OC00000005497424\*

Date Mailed: 10/23/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

12/26/2000 J00001 00000040 090457 09657215  
01 FC:105 130.00 CH